

### **REMARKS**

Claims 1-26 were previously pending in this application. Claims 1, 2 and 16 have been amended. As a result claims 1-26 are pending for examination with claims 1, 2 and 16 being independent claims. No new matter has been added.

#### **Rejections Under 35 U.S.C. §103**

Claims 1, 2 and 16 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,873,643 to Powell et al. (hereinafter "*Powell*"). Claims 1, 2 and 16 have been amended, overcoming this rejection.

*Powell* discloses an interactive design terminal for custom imprinted articles. *Powell* discloses imprinting a variety of custom articles, including garments, hats, notebook covers, signs, bumper stickers, umbrellas, cloth or canvas items, cups, coffee mugs, certificates, keychains, balloons, buttons and business cards, and others. As such, the setting in which the technology disclosed by *Powell* is used is expected to be a retail setting.

More specifically, *Powell* discloses a kiosk with an interactive design terminal through which a user enters information defining the user's order. At or near the end of the design process, the kiosk displays the selections and other detailed design features, such as custom text, requested by the user, along with a prompt asking the user to confirm the selections. Upon confirming the selections, the confirmed order is printed out for the user. As described at col. 20, ll. 3-7, the user is expected to directly pay a clerk attending to the kiosk. Payment by the user, in combination with the user's submission of the order, completes the user's request for purchase of custom imprinted articles.

In this entire process, the user provides the information from which the purchased articles are produced, and the user provides payment. The product is then made to order and provided to the user.

In contrast, the present invention, as recited in amended claim 1 is "a method of obtaining a patient record containing information concerning an identified patient." A patient record, as that term would be understood to the skilled artisan, is a collection of information and/or data in whatever form, relating to a person, identified as a patient, who has consulted with or desires to consult with medical personnel. In the claimed method, the patient record contains information concerning "an identified patient." This person is identified separately from the person or entity

requesting the patient record, who is identified as “a requestor.” The requestor makes a request for the patient record. The method further requires “providing to the requestor a cover letter having an identifier, the identifier having order information.” Order information may be as little as an order number, or may include previous details of the order. As amended, the claim now requires, “providing to the requestor, by the identified patient, a patient authorization letter authorizing release of the patient record concerning the identified patient.” That is, the patient, whose information is contained within the patient record, authorizes the release of their own patient record by that entity holding the record, and from which the requestor has requested the record. Thus, the patient is not merely an agent of transfer of information or money upon which release of the patient record is conditioned, nor is the patient the requestor but rather, the patient is that individual to whom both the patient record and the patient authorization letter relate.

The skilled artisan would not have considered *Powell* relevant to solving the problems faced in connection with the claimed invention, because the relationships between the parties in the retail settings are substantially different from the relationships between the parties in the setting of obtaining a patient record. *Powell* does not disclose, teach or suggest the relationship or transactions required by the claim, including “obtaining a patient record,” “requesting an order...for the patient record,” “providing to the requestor a cover letter having an identifier,” and “providing to the requestor, by the identified patient, a patient authorization letter authorizing release of the patient record concerning the identified patient,” as well as the other elements of the combination.

Claim 2, as amended, defines the invention as a system comprising a combination of means for performing various functions. The functions are defined in terms that closely parallel the language of claim 1, discussed above. *Powell* no more discloses, teaches or suggests the system claimed than the method. Therefore, for at least the same reasons as discussed above in connection with claim 1, claim 2 is also not obvious in view of *Powell*.

Claim 16, as amended, also defines the invention as a method of ordering a patient record. Like claim 1, claim 16 includes “requesting an order for the patient record concerning the identified patient,” “providing to the requestor a cover letter having an identifier,” and “providing to the requestor, by the identified patient, a patient authorization letter authorizing release of the patient record concerning the identified patient.” For the same reasons as

discussed above, in connection with claim 1, the claimed combination, including the elements discussed is not disclosed, taught or suggested by *Powell*.

Accordingly, withdrawal of this rejection is respectfully requested.

### **CONCLUSION**

In view of the foregoing amendments and remarks, reconsideration is respectfully requested. Remand to the Examiner for such reconsideration is respectfully requested.

This application should now be in condition for allowance; a notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney, Matthew B. Lowrie, at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an accompanying payment, please charge any deficiency to Deposit Account No. 50/2762, Ref. C1151-7000.

Respectfully submitted,  
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